

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

MANUEL DE JESUS LOPEZ-ACEVIZ,  
Petitioner/Defendant,  
vs.  
UNITED STATES OF AMERICA,  
Respondent/Plaintiff

CASE NO. 12CR0746-LAB/  
12CV2622-LAB

**ORDER DENYING MOTION TO  
VACATE UNDER 28 U.S.C. § 2255**

Manuel de Jesus Lopez-Aceviz pleaded guilty to importing approximately 1.18 kilograms of cocaine, and 3.58 kilograms of methamphetamine. Pursuant to his plea agreement, both Lopez-Aceviz's counsel and the government recommended a guideline range of 78 to 97 months, and his counsel requested the low-end sentence of 78 months. (See Docket nos. 22 (Plea Agreement), 27 (government's sentencing summary chart), 28 (Lopez-Aceviz's sentencing summary chart).) The Court sentenced him to 75 months' imprisonment followed by supervised release. (Docket no. 30 (Judgment).) Under his plea agreement, Lopez-Aceviz waived appeal and collateral attack unless the Court sentenced him to a custodial term higher than high end of the agreed-upon recommended guideline range. Since he was sentenced below that range, he has waived collateral attack.

Ignoring the fact that he had waived collateral attack, Lopez-Aceviz filed a motion to vacate his sentence, pursuant to 28 U.S.C. § 2255. The motion is a photocopied boilerplate

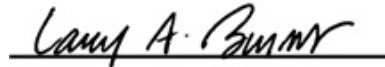
1 pleading that has apparently been circulating among prisoners, and its arguments have  
2 consistently and repeatedly been denied as meritless by this Court and other courts. See,  
3 e.g., *Patterson-Romo v. United States*, 2012 WL 2060872 (S.D.Cal., June 7, 2012)  
4 (Gonzalez, J.); *United States v. Beltran-Palafox*, 2012 WL 899262 at \*2 and n.14 (D.Kan.,  
5 Mar. 16, 2012); *Aguilar-Marroquin v. United States*, 2011 WL 1344251 (S.D.Cal., Apr. 8,  
6 2011) (Huff, J.); *Rendon-Inzunza v. United States*, 2010 WL 3076271 (S.D.Cal., Aug. 6,  
7 2010) (Burns, J.).

8 Even if Lopez-Aceviz had not waived collateral attack, his motion would be denied on  
9 the merits.

10 The motion is **DENIED**.

11 **IT IS SO ORDERED.**

12 DATED: November 2, 2012

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14 **HONORABLE LARRY ALAN BURNS**  
15 United States District Judge  
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